

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,
OPENAI OPCO LLC, OPENAI GLOBAL LLC,
OAI CORPORATION, LLC, OPENAI
HOLDINGS, LLC,

Defendants.

No. 1:23-cv-11195-SHS-OTW

Hon. Sidney H. Stein

OPENAI'S MOTION FOR LEAVE TO FILE UNDER SEAL

Under paragraph 22 of the Protective Order in this case (ECF 127) and Section 5.B of this Court's Individual Practices, Defendant OpenAI¹ respectfully seeks to provisionally file under seal a portion of its letter-motion and accompanying exhibits. The letter-motion seeks a pre-motion conference to address the New York Times's ("The Times") refusal to add four proposed ESI custodians. OpenAI seeks to file portions of the letter-motion and accompanying exhibits under seal because the letter-motion discusses, and the accompanying exhibits contain, documents that the Times designated as Protected Discovery Material under the Protective Order. ECF 127 ¶ 22. OpenAI does not affirmatively seek to seal any material. Under the Protective Order, the Times has five business days to file a statement of reasons for why the

¹ "OpenAI" refers collectively to Defendants OpenAI, Inc.; OpenAI LP; OpenAI GP, LLC; OpenAI, LLC; OpenAI OpCo, LLC; OpenAI Global LLC; OpenAI Corporation LLC; and OpenAI Holdings, LLC.

material should be sealed. *Id.* OpenAI will review the Times's filings, and if necessary, confer about any disagreement.

Respectfully submitted,

KEKER, VAN NEST & PETERS LLP

Dated: March 31, 2025

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